

Montana Arbitrator's Association

Arbitrating The Employment Law Dispute

Friday, April 23, 2004
Red Lion Colonial Inn
Helena, Montana

- 8:00–8:30 Registration
- 8:30–10:00 **Overview of Employment Dispute Arbitration**
- 10:00–10:15 Break
- 10:15–11:45 **Serving as Arbitrator in an Employment Law Dispute**
- 11:45–12:45 Lunch
- 12:45–2:15 **Serving as Arbitrator in an Employment Law Dispute (cont.)**
- 2:15–2:30 Break
- 2:30–4:00 **Serving as Arbitrator in an Employment Law Dispute (cont.)**

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William L. Corbett is a Law Professor, Attorney and Arbitrator. To his students, Professor Corbett brings a wealth of practice experience, having been an arbitrator and trial attorney with the National Labor Relations Board in Washington, D.C. Bill represented the National Labor Relations Board before the U.S. Courts of Appeals and U.S. District Courts from 1971-74 and served as Legal Counsel to the United State Senate from 1974-76. A native of Wyoming, Corbett obtained his J.D. degree from the University of Wyoming School of Law and his LL.M. from Harvard University School of Law. He joined the University of Montana School of Law in 1976 and currently teaches [Alternative Dispute Resolution, Administrative Law, Labor Law, and Employment Discrimination](#). He is the author of numerous articles on arbitration, including an article regarding the rules of evidence in the arbitration hearing. Corbett is a member of the National Academy of Arbitrators and various permanent arbitration panels. Professor Corbett is the author of *Dispute Resolution Handbook*, State Bar of Montana and Non-Jury Trial Handbook: *Bench Trials, Administrative Hearings and Arbitrations (forthcoming)*.

The two contexts of employment disputes to be discussed are (1) traditional union-management collective bargaining agreement provision arbitration of discharge/discipline and contract interpretation cases, and (2) the arbitration of statutory & common law employment disputes, (i.e. wrongful discharge, gender, race, age, disability, discrimination claims etc.) in the non-union-management context. The program will focus on two perspectives: (1) representing a party at an employment law arbitration, and (2) serving as arbitrator in an employment law dispute.

Professor Corbett will guide participants through the arbitration process from selection of and initial contacts with the arbitrator, to the arbitrator's writing of the arbitration decision and any subsequent judicial review. The topics will include: pre-hearing motions; pre-hearing conference/s; subpoenas; discovery; witness preparation; exhibit preparation; party evidence preparation and organization; pre-hearing briefs/statements; burden of proof; determining the order of presentation; stipulations; sequestration of witnesses, bifurcating the hearing on liability from that of remedy; opening statements, presenting evidence; use of experts & audio-visual aids, making and responding to evidentiary objections; arbitrator evidentiary rulings; making post hearing arguments & writing post-hearing briefs; writing the arbitration decision & award; obtaining judicial review; the standards courts use in reviewing arbitration decisions; and judicial affirmation, remand to the arbitrator, or reversal.

Hotel Information

The Red Lion Colonial Hotel
2301 Colonial Drive
Helena, Montana 59601
(406) 443-2100 or 800-325-4000

Red Lion Colonial Hotel is located on the east side of Helena near the I-15 and Highway 12 interchange. Take the I-15, Exit 192, and follow the signs directing you to the hospital. We are located a few blocks before the hospital, on the corner of California Drive and 11th Avenue.

A block of standard rooms has been reserved for the training and is available at training rates until April 8, 2004, after which rooms and rates are subject to availability.

Government rate is available to all individuals as employees of federal, state, or political subdivisions up to April 8, 2004.

Proper identification or verification of employment by a federal, state, or political subdivision is required to receive state rates.

The Montana Arbitrator's Association will meet on Thursday, April 22, 2004, at 6:30 p.m. in the Meadowlark Room of the Red Lion Colonial for a no-host dinner before holding its meeting.

In addition to ordinary MAA business, updates will be provided on the Annual Arbitration and Labor Relations Conference set for September 23 and 24, 2004, at the GranTree Inn in Bozeman, Montana. For more information, access our website at www.mtlaborrelationsconf.com.